

1 THE HONORABLE RICARDO S. MARTINEZ  
2  
3  
4  
5  
6  
7  
8  
9

10 UNITED STATES DISTRICT COURT  
11  
12 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
13  
14

15 SENIOR HOUSING ASSISTANCE  
16 GROUP,  
17 Plaintiff,

18 v.  
19 AMTAX HOLDINGS 260, LLC, et al.

20 Defendants.

21  
22 AMTAX HOLDINGS 260, LLC,

23 Counter-Plaintiffs

24 v.  
25 SENIOR HOUSING ASSISTANCE  
26 CORPORATION, et al.

27 Counter-Defendants.

28 RESPONSE TO OPPOSITION FOR LEAVE  
TO FILE AMICUS BRIEF  
(No. 2:17-cv-01115-RSM)

CASE No. 2:17-cv-01115-RSM

**NATIONAL HOUSING LAW PROJECT AND  
LEADINGAGE REPLY IN SUPPORT OF  
MOTION FOR LEAVE TO FILE BRIEF OF  
AMICUS CURIAE**

**NOTED ON MOTION CALENDAR FOR:  
JANUARY 11, 2019.**

National Housing Law Project  
919 Main Street, Ste. 610  
Richmond, VA 23219  
Tel. (415) 546-7000

1       The National Housing Law Project and LeadingAge, file this brief in reply to Defendants and  
2 Counter-Plaintiff's opposition to their Motion for Leave to File Brief of *Amici Curiae*.  
3

4       First, the motion for leave to file the amicus brief was not untimely. There are no local rules  
5 that mandate the timing for the filing of amicus briefs in the Western District. While the Court in  
6 *Skokomish Indian Tribe* ultimately followed rule 29, the Court explicitly limited its decision to that  
7 particular case and recognized that there are no particular local rules governing when an amicus curiae  
8 must file its brief. See *Skokomish Indian Tribe v. Goldmark*, 2013 WL 5720053, (W.D. Wash. 2013)  
9 (“Thus, the court will be indulgent with respect to the timing of the .... initial amici curiae brief.”).  
10      Thus, it is within the Court’s discretion to grant leave (to file the amicus brief). Amici LeadingAge  
11 and NHLP deny that the Defendants and Counter-Plaintiffs were prejudiced by the filing of the Motion  
12 and Proposed Amicus on December 19, 2018. Amici are not opposed to Defendants and Counter-  
13 Plaintiffs receiving additional time to file a response, if the Court grants this motion.  
14

15      Amici also disagree with Defendants and Counter-Plaintiffs objections to the substance of the  
16 brief. NHLP and LeadingAge provide a local, state-wide, and national perspective on the Low Income  
17 Housing Tax Credit (“LIHTC”) program and its role in addressing the affordable housing crisis and the  
18 essential role of non-profits in ensuring that these properties remain affordable over the long-term, and  
19 because Amici provide the Court with a context in which to analyze the regulation at issue in the  
20 instant case, 42 U.S.C. § 42(i)(7). This material is not duplicative of existing arguments and may be  
21 helpful to the Court in properly adjudicating this matter.  
22

23  
24  
25  
26      RESPONSE TO OPPOSITION FOR LEAVE  
27      TO FILE AMICUS BRIEF  
28      (No. 2:17-cv-01115-RSM)

National Housing Law Project  
919 Main Street, Ste. 610  
Richmond, VA 23219  
Tel. (415) 546-7000

1 For all of these reasons, the Court should grant leave for LeadingAge and NHLP to file their  
2 Brief of *Amicus Curiae*.

3  
4 RESPECTFULLY SUBMITTED this 11th<sup>th</sup> day of January, 2019.  
5  
6

7 **LEADINGAGE  
NATIONAL HOUSING LAW PROJECT**

8  
9  
10 By: /s/Eric Dunn  
Eric Dunn (WSBA No. 36622)  
11 Kara Brodfuehrer (CA Bar No. 258735)  
National Housing Law Project  
12 919 E. Main Street, Ste. 610  
Richmond, VA 23219  
Phone: (415) 546-7000, ext. 3102  
13 edunn@nhlp.org  
14 Counsel for Amici LeadingAge & NHLP

15  
16 **CERTIFICATE OF SERVICE**  
17

18 I hereby certify that on January 11, 2019, the foregoing document was electronically filed with  
19 the United States District Court's CM/ECF system, which will send notification of such filing to all  
20 attorneys of record.

21 \_\_\_\_\_  
22 s/ Eric Dunn  
23

24  
25  
26  
27  
28  
Eric Dunn

RESPONSE TO OPPOSITION FOR LEAVE  
TO FILE AMICUS BRIEF  
(No. 2:17-cv-01115-RSM)

National Housing Law Project  
919 Main Street, Ste. 610  
Richmond, VA 23219  
Tel. (415) 546-7000

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28